IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.575 OF 2004
IN
SUMMARY SUIT NO.397 OF 2004.

M/s.Bijoy Hans Ltd. .. Plaintiffs.
Vs.
M/s.KEMS Pharma .. Defendants.

Mr.R.C. Shroff for the Plaintiffs.
None for the Defendants.

CORAM : S.J.VAZIFDAR, J.
DATED : 26TH AUGUST, 2005.

P.C.:

The suit is filed to recover the amounts due in respect of the goods sold and delivered on the terms and conditions contained in the suit invoices. The receipt of the invoices and the goods is admitted.

2. The only defence is that they have billed at higher rate. It is also alleged that the goods were not of the accepted quality. However, the goods have been retained without protest at the time of taking delivery.

3. In the circumstances, there is no defence to the suit.

4. The learned counsel for the Plaintiffs tenders a compilation of original documents. The same is taken

on record and marked as Exhibit "A" collectively.

5. The Summons for Judgment is therefore made absolute and the suit is decreed as prayed. However, interest after the date of the suit shall be at 12% per annum on the principal sum only.